

**Notice of Allowability**

Application No.

09/662,158

Examiner

Frank Duong

Applicant(s)

POULTER ET AL.

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 10/16/06.
2.  The allowed claim(s) is/are 10-40 (now 1-30, respectively).
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**FRANK DUONG  
PRIMARY EXAMINER**

**DETAILED ACTION**

1. This Office Action is a response to communications dated 10/16/02. Claims 10-40 are pending in the application.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims:

Claim 31, please kindly replace "claim 24" with --claim 29--.

Claim 40, please kindly replace "claim 18" with --claim 38--.

The reason for doing so is that there are typos in the dependency of the above claims resulting an inconsistency between the amendment dated 02/21/06 and the amendment dated 10/16/06.

***Allowable Subject Matter***

3. Claims 10-40 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The amendment dated 10/16/06 has directed the claimed invention to better reflect the disclosed invention of Fig. 9 or Fig. 17. Therefore, it places the instant application in a favorable condition for allowance.

The prior art of record, considered individually or in combination, fails to fairly show or suggest the claimed a communication unit comprising, among other limitations, novel and unobvious limitations of "*sending only along said control path said point-to-point control messages which include fields denoting an identification of a communication unit and a count of communication units which are operative to receive and forward data packets only on said communication path,*" structurally and functionally interconnected with other limitations in a manner as recited in claims 10-11.

The prior art of record, considered individually or in combination, fails to fairly show or suggest the claimed method of controlling network communication units comprising, among other limitations, novel and unobvious limitations of "*the connecting unit including multiplexers which provide a data path for packets from each of the said ports to either of the others and which bypass the data path of a port to which an active communication unit is not coupled based upon point-to-point control messages on a control path provided from each of the said ports to either of the others and separate from said data path,*" structurally and functionally interconnected with other limitations in a manner as recited in claims 12-13.

The prior art of record, considered individually or in combination, fails to fairly show or suggest the claimed method of controlling network communication units comprising, among other limitations, novel and unobvious limitations of "*each port of the*

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*connecting unit having first lines for forwarding and receiving data packets and second lines, separate from said first lines, for forwarding and receiving point-to-point control messages from each of the said ports to either of the others,"* structurally and functionally interconnected with other limitations in a manner as recited in claims 15-40.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Amicangioli et al (USP 6,327,242).

Beer et al (USP 6,038,618).

Martin et al (EP 0949789).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**FRANK DUONG**  
**PRIMARY EXAMINER**

December 11, 2006